IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22863 of 2004

Between:

B.V.A.S.Naidu, S/o.Mahalakshmi Naidu,
R/o.Anakapallil, Visakhapatnam Dist.

..... PETITIONER

AND

1.. The Chief Commissioner, Land Administration, Nampally,

Government of A.P.
Hyderabad.
2.. Chairman & Managing Director, A.P.Industrial Infra Structural

Corporation, Government of A.P., Hyderabad.
3.. The District Collector, Visakhapatnam, Visakhapatnam District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, direction or order more particularly one in the nature of writ of Mandamus declaring the inaction of the respondents in considering the representation of the petitioner dated 2-7-2003 for re conveyance of Ac 70-40 cents in survey No. 228/2 and Ac. 10-31 cents in Survey No.228/1 acquired as per Award No.7/88 dated 22-4-1988 situated in Aganampudi, Gajuwaka Mandal, Visakhapatnam district as illegal, arbitrary, unjust and in violation of Article 14 of Constitution of India and B.S.O and pass such other orders

Counsel for the Petitioner:MR.M.VENKATA NARAYANA

Counsel for the Respondent No1 & 3: GP FOR REVENUE

Counsel for the Respondent No.2 : Mr.Madan Mohan Rao

The Court at the stage of admission made the following :

ORDER:

It is stated in the affidavit in support of the writ petition that land admeasuring Ac.10-37 cents in survey No.228/1 and Ac.70-40 cents in survey No.228/2, Aganampudi, Gajuwaka Mandal , Visakapatnam was acquired by the Government for the purpose of development of Industrial Development Area by issuing a notification under Section 4 (1) of the Land Acquisition Act dated 2-2-21985 and an award was passed on 22-4-1988 and the amount of compensation was deposited in the bank. The grievance of the petitioner is that the acquired land was not put to use and that the land owners were not paid the compensation awarded and they are intending to develop the same with the aid of some non resident Indians and seeks reconveyance of the acquired land. The petitioner herein stated to have made a representation to the third respondent on 16-7-2003 and complains that no action is taken thereon and the same remained unanswered. Hence, the present writ petition seeking reconveyance of the acquired land.

Learned Government Pleader for Revenue submitted that it is now well settled that once the land is acquired, it cannot be given back to the owners of the land and the writ petition is not maintainable.

Heard learned counsel for petitioner, learned Government Pleader for Revenue and Mr.Madan Mohan Rao, learned counsel for second respondent.

A person whose land is acquired has no enforceable right to seek reconveyance. This principle is well settled. Having regard to the provisions of Section 23, 23 (1)

(A) and 30 of the Land Acquisition Act, 1894 the Hon'ble Supreme Court in STATE OF KERALA Vs. BHASKARAN PILLAI held that no land owner is entitled for reconveyance after acquisition. In the recent judgment, the Supreme Court in NORTHERN INDIAN GLASS INDUSTRIES Vs. JASWANT SINGH held that if the land was not used for the purpose for which it was acquired, it was open to the State Government to take action but that did not confer any right on the respondents to ask for restitution of the land.

In view of the above legal position, the writ petition is misconceived and is accordingly dismissed.

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N.V.RAMANA,J

10-12-2004

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.. The Chief Commissioner, Land Administration, Nampally,

Government of A.P.
Hyderabad.

2.. Chairman & Managing Director, A.P.Industrial Infra Structural

Corporation, Government of A.P., Hyderabad.

3.. The District Collector, Visakhapatnam, Visakhapatnam District.

4.2CCs to G.P. for Revenue , High Court of A.P.Buildings, Hyderabad

(OUT)

5.2CD copies

6.2CCs to